

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TEEVEE TOONS, INC. d/b/a TVT RECORDS,

Plaintiff,

05 Civ. 5602 (JGK)

- against -

BENCH OPINION

DM RECORDS, INC.; REP SALES, INC. d/b/a
RYKO DISTRIBUTION PARTNERS,

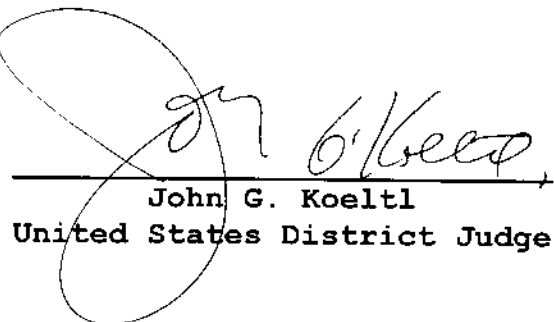
Defendants.

JOHN G. KOELTL, District Judge:

For the reasons stated on the record on **September 6, 2007**, the plaintiff's motion in limine to exclude the expert testimony of Elizabeth Marlowe is **granted in part** and **denied in part**. Ms. Marlowe is qualified to express her opinions in this case on the degree of change in the challenged works from the original works due to her years as a songwriter and her work as an entertainment attorney. However, the portions of Ms. Marlowe's testimony which contains legal conclusions is not admissible. These legal conclusions include whether the changes were so significant that the works became derivative works and are therefore ineligible for compulsory licenses.

SO ORDERED.

Dated: New York, New York
October 3, 2007


John G. Koeltl
United States District Judge